

By Ron Waters John Madala H.B. No. 1044-23
Brian Mills Truman Worley
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A BILL TO BE ENTITLED

AN ACT

relating to the membership of and restrictions on the members of the Texas Water Quality Board; amending Sections 21.022, 21.023, and 21.026 of and adding Sections 21.0241 and 21.0242 to the Water Code; repealing Section 21.027, Water Code; providing a penalty; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. Section 21.022, Water Code, is amended to read as follows:

"Sec. 21.022. MEMBERS OF BOARD. The board is composed of nine members, chosen as follows: Nine members are appointed by the governor with the advice and consent of the senate. Of the nine members, one shall be a professional engineer with expertise in water quality control; one shall be a physician licensed to practice in this state with experience in public health; one shall be a person with experience in industrial management; one shall be a person with experience in municipal government; one shall be a biologist; and four shall be chosen from the general public."

Sec. 2. Section 21.023, Water Code, is amended to read as follows:

"Sec. 21.023. TERMS OF ~~[APPOINTED]~~ MEMBERS. The members ~~[appointed by the governor]~~ hold office for staggered terms of six years, with the term of ~~three members~~ ~~[one member]~~ expiring on the first day of September in each odd-numbered year. Each

1 of these members holds office until his successor is appointed
2 and has qualified."

3 Sec. 3. Section 21.026, Water Code, is amended to read as
4 follows:

5 "Sec. 21.026. PER DIEM; EXPENSES. (a) A member of the
6 board is not entitled to a salary for duties performed as a member
7 of the board; but each member ~~[appointed by the governor]~~ is
8 entitled to \$25 for each day he is in attendance at meetings,
9 hearings, or on authorized business of the board, including time
10 spent in traveling to and from the place of the meeting, hearing,
11 or other authorized business.

12 "(b) Each member of the board ~~[appointed by the governor]~~
13 is entitled to reimbursement for travel and other necessary
14 expenses incurred in performing official duties, as evidenced by
15 vouchers approved by the executive director of the board. ~~[Each~~
16 ~~of the other members is entitled to reimbursement for travel and~~
17 ~~other necessary expenses incurred in performing official duties~~
18 ~~for the board, out of funds made available for those purposes to~~
19 ~~the state agency of the member.]"~~

20 Sec. 4. Chapter 21, Water Code, as amended, is amended by
21 adding Section 21.0241 to read as follows:

22 "Section 21.0241. PROHIBITED RELATIONSHIPS OF BOARD MEMBERS.
23 (a) Within two years after he leaves the board, no biologist
24 member of the board or member of the board appointed from the
25 general public may:

26 "(1) own or control either directly or indirectly
27 five percent or more of the stocks or bonds of any legal entity

1 or its representative which is requesting or has requested a
2 permit or for which a permit has been requested from the board;
3 or

4 "(2) receive wages, a salary, compensation, or other
5 remuneration or any thing of value from any legal entity or its
6 representative which is requesting or has requested a permit or
7 for which a permit has been requested from the board.

8 "(b) Within two years after he leaves the board, no
9 professional engineer member of the board, physician member of
10 the board, industrial management member of the board, or municipal
11 government member of the board may accept employment or a
12 compensated position with or receive wages, a salary, compensation,
13 or other remuneration or any thing of value from any legal entity
14 or its representative which is requesting or has requested a
15 permit or for which a permit has been requested from the board.

16 "(c) Any person who violates the provisions of Subsection
17 (a) or (b) of this section is liable for a civil penalty of not
18 less than \$1,000 nor more than \$5,000 for each act of violation
19 and for each day a violation continues."

20 Sec. 5. Chapter 21, Water Code, as amended, is amended by
21 adding Section 21.0242 to read as follows:

22 "Sec. 21.0242. ELIGIBILITY FOR APPOINTMENT. No person may
23 be appointed to the board as the biologist member or as a member
24 from the general public if within five years immediately preceding
25 the proposed appointment he:

26 "(1) has owned or controlled either directly or
27 indirectly five percent or more of the stocks or bonds of any

1 legal entity or its representative which is requesting or has
2 requested a permit or for which a permit has been requested from
3 the board; or

4 "(2) has received wages, a salary, compensation, or
5 other remuneration or any other thing of value from any legal
6 entity or its representative which is requesting or has requested
7 a permit or for which a permit has been requested from the board."

8 Sec. 6. Section 21.027, Water Code, is repealed,

9 Sec. 7. The importance of this legislation and the crowded
10 condition of the calendars in both houses create an emergency and
11 an imperative public necessity that the constitutional rule
12 requiring bills to be read on three several days in each house
13 be suspended, and this rule is hereby suspended, and that this
14 Act take effect and be in force from and after its passage, and
15 it is so enacted.

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE

March 11, 1975

Honorable Bill Sullivant, Chairman
Committee on Environmental Affairs
House of Representatives
Austin, Texas

In Re: House Bill No. 1044
By: Waters, et al


Sir:

In response to your request and pursuant to House Rule VIII, Section 27, this office finds the fiscal implications of H. B. No. 1044 (relating to the membership of and restrictions on the members of the Texas Water Quality Board) to be as follows:

The probable cost of implementing the provisions of the bill during each of the first five years following passage is estimated as follows:

<u>Fiscal Year</u>	
1976	\$12,600
1977	12,600
1978	12,600
1979	12,600
1980	12,600

Similar annual costs will continue as long as the provisions of the bill are in effect.


Thomas M. Keel
Director

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- FEB 25 1975

FEB 27 1975

MAR 4 1975
1. Filed with the Chief Clerk of the House.
 2. Read first time and Referred to Committee on Environmental Affairs
 3. Fiscal note requested from Legislative Budget Board by Bill Salter
 4. Reported favorably (unfavorably) (as amended) and sent to Printer _____ M.
 5. Printed, distributed by Calendar Clerk and sent to Committee on _____ M.
 6. Read second time (amended) and ordered engrossed by (Non-record vote) (Record Vote of _____ yeas, _____ nays, _____ present and not voting).
 7. Motion to reconsider the vote by which H. B. _____ was ordered engrossed and to table the motion to reconsider prevailed (failed) by (Non-record vote) (Record Vote of _____ yeas, _____ nays, and _____ present and not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of _____ yeas, _____ nays, and _____ present and not voting.
9. Read third time (amended) and finally passed by following vote: (Non-record vote) (Record Vote of _____ yeas, _____ nays, _____ present and not voting).
10. Caption ordered amended to conform to body of bill.
11. Motion to reconsider and table the vote by which H.B. _____ was finally passed prevailed (failed) by a (Non-record Vote) (Record Vote of _____ yeas, _____ nays, and _____ present and not voting).
12. Sent to Engrossing Clerk _____
13. Engrossed.
14. Returned to Calendar Clerk _____
15. Sent to Senate.

Chief Clerk of the House

Engrossing Clerk of the House

- _____ 16. Received from the House _____
- _____ 17. Read, referred to Committee on _____
- _____ 18. Reported favorably _____
- _____ 19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.
- _____ 20. Ordered not printed.
- _____ 21. Regular order of business suspended by
(a viva voce vote.
(_____ yeas, _____ nays.
- _____ 22. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.
- _____ 23. Read second time _____ passed to third reading by:
(a viva voce vote.
(_____ yeas, _____ nays.
- _____ 24. Caption ordered amended to conform to body of bill.
- _____ 25. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas, _____ nays to place bill on third reading and final passage.
- _____ 26. Read third time and passed by
(a viva voce vote.
(_____ yeas, _____ nays.

OTHER ACTION:

OTHER ACTION:

Secretary of the Senate

- _____ 27. Returned to the House.
- _____ 28. Received from the Senate (with amendments).

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